

IN THE UNITED STATES DISTRICT COURT
FOR WESTERN DISTRICT OF VIRGINIA

IN THE MATTER OF THE SEARCH OF:

INFORMATION ASSOCIATED WITH
TWITTER PROFILES WITH USERNAMES

@LittleMacMcG and @LittleM60077743

THAT IS STORED AT PREMISES
CONTROLLED BY TWITTER

Case No. 7:18MJ57

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Lynne A. Witt, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Twitter account that is stored at premises owned, maintained, controlled, or operated by Twitter, a social-networking company headquartered in San Francisco, CA. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require Twitter to disclose to the government copies of the information (including the content of communications) further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

2. I am a Special Agent with the Federal Bureau of Investigation, and have been since May 2009. I am currently assigned to the Richmond Division, Roanoke Resident Agency (RRA) located in Roanoke, Virginia. Prior to working in the RRA, I was assigned to the

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Charlottesville Resident Agency (CRA) located in Charlottesville, Virginia. I have received training at the FBI's Quantico training facility. Further, I have experience and training in a variety of investigative and legal matters, including the topics of lawful arrests, the drafting of affidavits, and probable cause. I have participated in numerous federal, criminal investigations, and am currently investigating various federal criminal violations, including those outlined in this affidavit.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience, this affidavit will set forth facts amounting to probable cause to believe that there will be evidence of violations of Title 18, United States Code, § 875(c) (Threatening Interstate Communications) contained in the Twitter accounts @LittleMacMcG and/or @LittleM60077743 used by CHRISTOPHER MICHAEL MCGOWAN, hereafter referred to as MCGOWAN. There is also probable cause to search the information described in Attachment A for evidence of these crimes, as further described in Attachment B.

BACKGROUND REGARDING TWITTER

5. Twitter owns and operates a free-access social-networking website of the same name that can be accessed at <http://www.twitter.com>. Twitter allows its users to create their own profile pages, which can include a short biography, a photo of themselves, and location information. Twitter also permits users create and read 140-character messages called "Tweets,"

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and to restrict their “Tweets” to individuals whom they approve. These features are described in more detail below.

6. Upon creating a Twitter account, a Twitter user must create a unique Twitter username and an account password, and the user may also select a different name of 20 characters or fewer to identify his or her Twitter account. The Twitter user may also change this username, password, and name without having to open a new Twitter account.

7. Twitter asks users to provide basic identity and contact information, either during the registration process or thereafter. This information may include the user’s full name, e-mail addresses, physical address (including city, state, and zip code), date of birth, gender, hometown, occupation, and other personal identifiers. For each user, Twitter may retain information about the date and time at which the user’s profile was created, the date and time at which the account was created, and the Internet Protocol (“IP”) address at the time of sign-up. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access a given Twitter account.

8. A Twitter user can post a personal photograph or image (also known as an “avatar”) to his or her profile, and can also change the profile background or theme for his or her account page. In addition, Twitter users can post “bios” of 160 characters or fewer to their profile pages.

9. Twitter also keeps IP logs for each user. These logs contain information about the user’s logins to Twitter including, for each access, the IP address assigned to the user and the date stamp at the time the user accessed his or her profile.

10. As discussed above, Twitter users can use their Twitter accounts to post “Tweets” of 140 characters or fewer. Each Tweet includes a timestamp that displays when the Tweet was

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posted to Twitter. Twitter users can also “favorite,” “retweet,” or reply to the Tweets of other users. In addition, when a Tweet includes a Twitter username, often preceded by the @ sign, Twitter designates that Tweet a “mention” of the identified user. In the “Connect” tab for each account, Twitter provides the user with a list of other users who have “favorited” or “retweeted” the user’s own Tweets, as well as a list of all Tweets that include the user’s username (*i.e.*, a list of all “mentions” and “replies” for that username).

11. Twitter users can include photographs or images in their Tweets. Each Twitter account also is provided a user gallery that includes images that the user has shared on Twitter, including images uploaded by other services.

12. Twitter users can also opt to include location data in their Tweets, which will reveal the users’ locations at the time they post each Tweet. This “Tweet With Location” function is off by default, so Twitter users must opt in to the service. In addition, Twitter users may delete their past location data.

13. When Twitter users want to post a Tweet that includes a link to a website, they can use Twitter’s link service, which converts the longer website link into a shortened link that begins with <http://t.co>. This link service measures how many times a link has been clicked.

14. A Twitter user can “follow” other Twitter users, which means subscribing to those users’ Tweets and site updates. Each user profile page includes a list of the people who are following that user (*i.e.*, the user’s “followers” list) and a list of people whom that user follows (*i.e.*, the user’s “following” list). Twitter users can “unfollow” users whom they previously followed, and they can also adjust the privacy settings for their profile so that their Tweets are visible only to the people whom they approve, rather than to the public (which is the default setting). A Twitter user can also group other Twitter users into “lists” that display on the right

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side of the user's home page on Twitter. Twitter also provides users with a list of "Who to Follow," which includes a few recommendations of Twitter accounts that the user may find interesting, based on the types of accounts that the user is already following and who those people follow.

15. In addition to posting Tweets, a Twitter user can also send Direct Messages (DMs) to one of his or her followers. These messages are typically visible only to the sender and the recipient, and both the sender and the recipient have the power to delete the message from the inboxes of both users. As of January 2012, Twitter displayed only the last 100 DMs for a particular user, but older DMs are stored on Twitter's database.

16. Twitter users can configure the settings for their Twitter accounts in numerous ways. For example, a Twitter user can configure his or her Twitter account to send updates to the user's mobile phone, and the user can also set up a "sleep time" during which Twitter updates will not be sent to the user's phone.

17. Twitter includes a search function that enables its users to search all public Tweets for keywords, usernames, or subject, among other things. A Twitter user may save up to 25 past searches.

18. Twitter users can connect their Twitter accounts to third-party websites and applications, which may grant these websites and applications access to the users' public Twitter profiles.

19. If a Twitter user does not want to interact with another user on Twitter, the first user can "block" the second user from following his or her account.

20. In some cases, Twitter users may communicate directly with Twitter about issues relating to their account, such as technical problems or complaints. Social-networking providers

like Twitter typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications. Twitter may also suspend a particular user for breaching Twitter's terms of service, during which time the Twitter user will be prevented from using Twitter's services.

21. As explained herein, information stored in connection with a Twitter account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Twitter user's account information, IP log, stored electronic communications, and other data retained by Twitter, can indicate who has used or controlled the Twitter account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, profile contact information, communications, "tweets" (status updates) and "tweeted" photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Twitter account at a relevant time. Further, Twitter account activity can show how and when the account was accessed or used. For example, as described herein, Twitter logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Twitter access, use, and events relating to the crime under investigation. Additionally, Twitter builds geo-location into some of its services. If enabled by the user, physical location is

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automatically added to “tweeted” communications. This geographic and timeline information may tend to either inculpate or exculpate the Twitter account owner. Last, Twitter account activity may provide relevant insight into the Twitter account owner’s state of mind as it relates to the offense under investigation. For example, information on the Twitter account may indicate the owner’s motive and intent to commit a crime (e.g., information indicating a criminal plan) or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

22. Therefore, the computers of Twitter are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Twitter, such as account access information, transaction information, and other account information.

PROBABLE CAUSE

23. Congressman Bob Goodlatte is the United States Representative for Virginia’s Sixth Congressional District and has offices located in Roanoke, Virginia. “@BobGoodlatte6” is a campaign Twitter account utilized for Congressman Goodlatte and monitored by his staff. Staff personnel are able to see when Goodlatte’s name is mentioned on Twitter or @BobGoodlatte6 is used in a message or “tagged” in a tweet. #VA06 is a hashtag that is associated with the Sixth Congressional District of Virginia.

24. Beginning in September 2017, a member of Goodlatte’s staff observed a large number of tweets by Twitter account @LittleMacMcG that mentioned or tagged Congressman Goodlatte. The majority of tweets appeared angry in nature and in opposition to Congressman Goodlatte. These tweets were similar in nature to other tweets Congressman Goodlatte’s office had received over the previous nine months from Twitter account @LittleM60077743. Both

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Twitter accounts had a distinguishing shamrock with a green background with the letters "MC" below the shamrock. For these reasons, the staff member began to monitor and save some of the tweets from @LittleMacMcG that referenced or mentioned Congressman Goodlatte.

25. On or about December 17 and 18, 2017, Twitter account @LittleMacMcG posted numerous tweets mentioning and/or directed to Congressman Goodlatte. Some of the posted tweets included:

#VA06 @BOBGODDLATTE6 I am still waiting for the police to arrive, bob. It is 7:16 in the morning. I threatened to kill you if you help trump violate the constitution here I am.....

#VA06 Dear, any law enforcement agency. I am a veteran Army officer and am fully qualified and capable to kill. Should Trump fire Mueller illegally and @BobGoodlatte6 fail to impeach him I will consider Bob an enemy combatant and arrest him. If he resist I will kill him.

#VA06 I will do this in full belief I am defending the constitution of the United States. I am not making a joke. I will kill him. Should you believe my doing so would be illegal please arrest me so we can have this discussion in court BEFORE I actually do it. Thank you.

To be clear: If Trump tries to fire Mueller I WILL make an attempt to execute a citizens arrest against @BobGoddlatte6 and I will kill him if he resist.

AH! Just got info from a friend. Mueller will not be fired. 100% I put all my integrity on this statement: Mueller will not be fired. It explains why I am not in chains. Also: I was not bluffing. Just for the record. i was deadly serious @BobGoodlatte6.

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Well, inside chaos I can kill a @BobGoodlatte6 without repercussion because there is no longer a rule of law. So either he can acknowledge the rule of law...or I can kill him without worry OF the law. I have no moral qualms on killing him. What's it gonna be @BobGoodlatte6?

26. On December 18, 2017, a staffer from Congressman Goodlatte's office contacted the United States Capitol Police to report the escalating threat language in the tweets posted by @LittleMacMcG. In addition, the staffer provided the United States Capitol Police the name of Christopher McGowan, along with his contact information.

27. On or about December 18, 2017, officers with Botetourt County Sheriff's Office located Christopher McGowan at his residence and interviewed him. During the interview, McGowan admitted to sending the tweets. Even though some tweets were sent as early as 7:16 a.m., McGowan stated that he had become intoxicated and sent the tweets hoping to get someone's attention over his concerns about the current status of our country. McGowan also stated he did not own any firearms. McGowan stated that he had no intention of hurting anyone.

28. On December 18, 2017, @LittleMacMcG started tweeting again. In two tweets, at approximately 1:12 p.m., @LittleMacMcG posted:

#VA06 @GOP @DNC #AMERICAFIRST #GOP #DNC @GOPLEADER @TEDCRUZ @BOBGOODLATTE6 @SENATEMAJLDR So I say again: If P Trump Fires Mueller and is not impeached I view that the government has declared war on us U.S. Citizens.

#VA06 @GOP @DNC #AMERICAFIRST #GOP #DNC @GOPLEADER @TEDCRUZ @BOBGOODLATTE6 @SENATEMAJLDR I will respond accordingly. I am stating this upfront so the line is clear. Don't like it? Arrest me and lets go to court....or stfu andlet Mueller do his job. Period. The end.

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29. Since December 2017, @LittleMacMcG has continued to post tweets at Congressman Goodlatte, including tweets calling the Congressman corrupt. In a string of tweets on February 4, 2018, @LittleMacMcG expresses disappointment that he has not threatened a politician:

*Off to bed. Didn't threaten to kill a politician tonight. So.....Twitter win? Sure.....MAC
FTW *FIRECRACKERS*..... *sigh* :P*

30. Later that same day, @LittleMacMcG appears to advocate for the violent overthrow of the government:

*#GOP #DNC @BobGoodlatte6 #VA #VA06 My point? You had best stop playing
games. The only reason many of us are sitting on the bench is due to rule of law and our
respect for it. invalidate that law...and we will eat you alive.*

*#DNC #VA #VA06 Last thing: *I* would never do it...but you do know a Tyrannical
government = moral Free reign for rebellion...and rebellions tend to involve poor people
seizing rich peoples wealth for themselves Me? I call @BobGoodlatte6 's couch and
smoking chair.*

31. On April 1, 2018, @LittleMacMcG tweets escalated. On or about that date, @LittleMacMcG posted the following messages:

7:26 AM

*I'm serious @BobGoodlatte6 ..you keep fucking with our constitution and challenging
Mueller and the last you see will be my patriot ass behind a gun you should have long
ago have prevented me owning pulling a trigger to your head. Want me arrested? GO
head.*

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7:33 AM

*@BobGoodlatte6 @HouseJudiciary Quite simply: After making these kind of comments, should *I* be allowed to own a gun? If I hear you say *yes* on any public forum I will go buy one and proceed to shoot you. Is this hyperbole? You tell me. Are you willing to risk it?*

7:41 AM

#1: threatened my congressman with violence #2: stated I would kill people. #3: pretty much declared I would commit a plethora of anti-social behavior, publicly. Whom would like to bet I can purchase a gun three days from now and NOT be locked up in jail?
#proudtobeanAmerican

7:45 AM

@BobGoodlatte6 @HouseJudiciary Corruption happens on so many levels and in so many ways..but YOU have truly taken it to an extreme. History will hate you even more than I do. You better get on those gun laws. I am buying one intended for you in 3 days. Can you legally stop me?

32. Approximately seven minutes later, at approximately 7:52 AM, Roanoke City Police received an email from ltlmacmcg@gmail.com:

Look...i just sent some pretty aggressive tweets stating some things that I should not have. I've been drinking, I should not have stated them, and I am sorry.
I am just frustrated with how cynical our Government has become.
I went to war for this country...and hate how these assholes treat us like cannon fodder.
I mean....Bob Goodlatte is the pinaacle of a spoile dlittle brat....and yet he is making decicions at a national level.

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It offends me.

That said:

I do not actually intend to cause him harm. I get drunk,...and express myself too much emotionally.

I was simply trying to make a point....and once I drink I have a tendency to take it too far.

I Will NOT be buying gun and I will NOT be even leaving my house.

Very respectfully,

Chris

33. On April 1, 2018, @LittleMacMcG also tweeted the following:

@BobGoodlatte6 @HouseJudiciary Look..it's late..I'm drunk...and I am speaking with a lot of emotion. I don't actually have any plans to harm you. I was attempting to make a point. If you have half a walnut of a brain...I hope it was made.

@FBI Yeah..I know I crossed a line. If you need to arrest me please just call first and let me go in with some dignity. I just can't sit by silent while our country goes to the wolves.

@FBI look....i have not plans to kill the congressman named bobgoodlatt..but I do think serioius points of view need to be implanted into public discourse to make a point. My hyperbole is to make a political point...I am not even going to leave my house...much less kill somebody

34. Three days later, on April 4, 2018, @LittleMacMcG tweeted:

@BobGoodlatte6 The center cannot hold when you are so corrupt a guy like me can talk about killing you, bob, with impunity..... a sitting congressman...and get away with it.

Why does this happen? With people like you ...the center cannot hold. Nobody respects you.

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The motive for our plague of Mass shootings is people like YOU @BobGoodlatte6. The frustration people feel for being blatantly and cynically taken advantage of is coming to a head. #VA06 #VA @HouseJudiciary

35. On April 5, 2018, both Twitter and Google provided sufficient identifying information to confirm that the Twitter account @LittleMacMcG and email address ltlmacmcg@gmail.com belong to McGowan, as confirmed through public source documents.

36. A review of the Virginia State Police firearms purchase database does not indicate that McGowan has purchased any firearms in Virginia in the last 365 days.

37. On April 2, 2018, United States Capitol Police Special Agent John Deegan sent a preservation request to Twitter for user @LittleMacMcG.

38. On April 5, 2018, an emergency disclosure request was provided to Twitter by FBI Special Agent Gregory Hunt. On the same day, FBI Special Agent Gregory Hunt retrieved the responsive records from Twitter's secure online site.

39. On April 5, 2018, a preservation request was sent to Twitter for user @LittleM60077743.

40. On April 6, 2018, the Honorable Robert S. Ballou, United States Magistrate Judge, authorized a criminal complaint against CHRISTOPHER MICHAEL MCGOWAN for a violation of 18 U.S.C. § 875(c), making a threat in interstate communications related in part to the April 1, 2018 tweets.

41. Later on April 6, 2018, after obtaining the criminal complaint against MCGOWAN, MCGOWAN was located and arrested at his residence.

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42. While at his residence and after being read his advice of rights, MCGOWAN waived his right to an attorney and agreed to answer questions. During this interview, MCGOWAN identified his Twitter account as @LittleMacMcG, his email address as ltlmacmcg@gmail, and identified he had a YouTube page under the name of "Little Mac". When asked about Twitter account @LittleM60077743, MCGOWAN stated he has only had one Twitter account and this form of it may have been generated by Twitter.

43. Interviewing agents read the tweets posted by @LittleMacMcG on April 1, 2018 and April 4, 2018 to MCGOWAN. MCGOWAN either confirmed sending the tweets or stated he probably wrote it but could not remember writing it. MCGOWAN did not deny sending these tweets. MCGOWAN claimed he had been drinking heavily when he sent the tweets

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

44. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Twitter to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

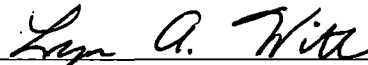
CONCLUSION

45. Based on the foregoing, I have probable cause to believe CHRISTOPHER MICHAEL MCGOWAN committed the crime of Interstate Communication of a Threat to Injure a Person of Another in violation of Title 18, United States Code, § 875(c), and that evidence of that offense, as more fully described in Attachment B hereto, is presently contained in Twitter Accounts @LittleMacMcG and/or @LittleM60077743, which is more fully described above and

in Attachment A hereto. I therefore request the Court issue a warrant authorizing a search of the Twitter accounts LittleMacMcG and @LittleM60077743, described in Attachment A for the items listed in Attachment B and the examination and seizure of any such items found. Because the warrant will be served on Twitter who will then compile the requested records at a time convenient to it, there exists reasonable cause to permit the execution of the requested warrant at any time in the day or night.

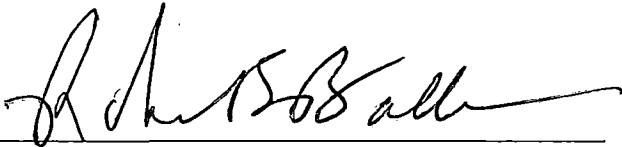
46. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

Respectfully submitted,



Lynne A. Witt
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on this 2nd, day of May, 2018.



U.S. MAGISTRATE JUDGE ROBERT S. BALLOU
UNITED STATES DISTRICT COURT IN THE
WESTERN DISTRICT OF VIRGINIA